



HEADQUARTERS
UNITED STATES FORCES, JAPAN
APO SAN FRANCISCO 96328

13 DEC 1985

Mr. Edward M. Featherstone
United States Consul General
Naha, Okinawa

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Dear Ed:

Thank you for your cordial letter of 3 December 1985.

With reference to your proposed letter to facilitate local employment of dependents of FBIS non-American employees, I can only say your offer to help is most commendable and I think I understand the morale problem that it is designed to deal with. However, Air Force regulations seem to require priority for Air Force dependents when offering on-base employment and your letter may not be effective. More importantly, the Status of Forces Agreement (SOFA) clearly defines the civilian component as being limited to "persons of United States nationality" in the employ of, serving with, or accompanying the United States forces in Japan. FBIS itself is not a civilian component but is part of the US military establishment in Japan; in fact, by virtue of USFJ Policy Letter 20-4, it is part of Headquarters, USFJ. Thus, a letter certifying that Third State National employees of FBIS are part of the SOFA civilian component, or that FBIS itself is such, would be incorrect and possibly embarrassing should it become public.

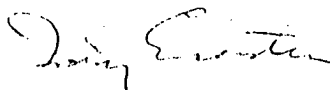
As you know, the status of the numerous TSN employees of the U.S. Forces was a difficult part of the negotiations leading to the reversion of Okinawa in 1972. Japan has always been sensitive about the presence of foreign employees, and still is; although its unemployment rate is very low by U.S. standards, the GOJ regards it as high. In mainland Japan, long before reversion, we had agreed to reduce our TSN employees by attrition and this principle contributed to the solution of a similar problem in Okinawa. A ceiling on the total number of TSN employees was established and departing employees, in general, have not been replaced. We are now substantially below that ceiling; the U.S. Forces have but a small number of TSN employees, all are in Okinawa and all but a handful are with FBIS.

The GOJ, particularly the Foreign Ministry, is fully aware of the important work performed by FBIS and this contributed to the understanding in effect since 1972. The TSN employees of FBIS, although not part of the SOFA civilian component and therefore not granted any SOFA status, are nevertheless permitted to enjoy certain SOFA privileges, primarily logistic support on base. No other TSNs or Japanese have been authorized those privileges and the matter has not been widely publicized. Dependents of TSN employees, of course, also enjoy on-base logistic support. There are many other SOFA privileges, however, which TSN employees and their dependents do not enjoy. To mention a few examples, they must obtain work visas to be employed in Japan, are subject to Japanese taxes on their income, and are fully subject to Japanese laws for any offenses they may be charged with.

Thus, while the GOJ has acted understandably and sympathetically with regard to TSN employees of FBIS, it can hardly be expected to ignore its traditions and the SOFA with regards to their dependents. Although they are few in number, the Japanese fear may well be that this precedent could presage an inundation. Under our present arrangements, employment of such dependents would have to be reported; as a result the Japanese may raise the question of their employment without individual work visas and in turn the status of their sponsors. As an indication of the present arrangements, I am enclosing a copy of USFJ Policy Letter 30-8, dealing with the employment of reporting requirements for TSN employees. These provisions are based on agreements in the Joint Committee.

I hope the above information is useful to you. In view of the complications involved and the possibility of jeopardizing the status of the TSN employees of FBIS, it is my advice that the employment of their dependents not be made an issue. I also think it unwise to issue the letter you have suggested, although I completely sympathize with the motivation and applaud the attempt. In the last analysis, there appears to be a morale problem since to the young dependents involved, there is apparent discrimination when measured against privileges accorded to dependents of American servicemen. I can only propose that the matter be brought to the attention of the authorities at Kadena Air Base with a suggestion that they seek some means of ameliorating the dissatisfaction suffered by the few dependents involved. Perhaps they can facilitate service with local vendors or arrange for part-time employment with non-US agencies.

With best regards and wishes for a happy holiday season and a prosperous new year,



Sincerely yours,
IRVING EISENSTEIN
US Secretary, Joint Committee

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USFJ POLICY LETTER 30-8

7 SEPTEMBER 1982

Personnel

EMPLOYMENT AND REPORTING OF THIRD STATE NATIONALS
(RCS USJ AJ-1)

PURPOSE: To provide for the hiring of Third State Nationals by United States (US) Forces, Japan, and for the reporting of the Status of these employees.

1. Scope. Applicable to the Service Commanders of the US Forces, Japan.
2. General.

a. Under the provisions of referenced memorandum, the US committed itself to the reduction by attrition of those Third State Nationals then employed by the US Forces in Japan and to the direct hire of Third State National employees only if no US or Japanese personnel were available who possessed the special skills required for the position under recruitment. These special skills were considered to be those requiring highly technical training such as intelligence operations, linguistics and psychological warfare. There was no intention to permit the hiring of Third State Nationals for any type of non-technical position merely because of the current unavailability of qualified US or Japanese National applicant.

b. Also under the provisions of referenced memorandum, the US agreed to keep the Government of Japan informed through the Joint Committee of all separated or newly hired Third State National employees of the US Forces in Japan.

c. The hiring and reporting requirements set forth in this policy letter do not apply to Third State Nationals employed under the Master Labor Contract or under the Indirect Hire Agreement. These are considered as employees of the Government of Japan.

d. Third State National personnel who are currently employed by US Forces, Japan, will be allowed to remain in their positions until they resign or their services are no longer required.

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3. PROCEDURES:

a. Service Commanders desiring to hire Third State Nationals residing outside of Japan or in Japan must furnish the following information to Headquarters, US Forces, Japan/J03 to facilitate the issuing of the appropriate visa by the Government of Japan.

- (1) Full name (as it appears on passport).
- (2) Nationality and place of hire.
- (3) Date of birth.
- (4) Sex.
- (5) Local address.
- (6) Name of employing unit and address.
- (7) State if previously employed by US Forces.
- (8) Statement that a qualified US or Japanese National is not available for the position.

b. Service Commanders will report the following information to Headquarters US Forces, Japan/J03 on newly employed Third State Nationals and those separated from employment.

- (1) New employment:
 - (a) Full name (as it appears on passport).
 - (b) Nationality.
 - (c) Date of birth.
 - (d) Sex.
 - (e) Visa status.
 - (f) Alien certificate number.
 - (g) Address in Japan.
 - (h) Position title.
 - (i) Name of employing unit and address.

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(2) Separation from employment:

- (a) Full name (as it appears on passport).
- (b) Organization at which employed.
- (c) Date of Separation.
- (d) Address upon separation.

c. Report Control Symbol RCS USJ AJ-1 is assigned to this report.

4. Reference: Paragraph 4b, minutes of the 101st meeting of the Joint Committee, 14 October 1954.

FOR THE COMMANDER



DAVID B. BARKER
Major General, US Marines Corps
Chief of Staff

CYNTHIA H. LITTLE, Lt Colonel, USAF
Administrative Officer